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Criminal Justice Reform and Strengthening of the Legal Institutions

Measures to Regulate Firearms

Statement** submitted by the National Rifle Association of America - Institute for Legislative Action (roster), a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the attached statement,*** which is circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31.

* E/CN.15/1997/1.

** The views expressed in this statement are those of the author, and do not necessarily reflect the views of the United Nations Secretariat.

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Whereas the United Nations has become involved in the issue of "Firearms regulation for purposes of crime prevention and public safety," ECOSOC resolution 1995/27, section IV. A., and ECOSOC resolution 1996/28, section IV. A;

Recognizing that civilian possession of firearms is an old, legitimate and traditional institution in most member states for hunting, sport shooting activities (target and clay pigeon shooting, firearms collecting, etcetera) and protection from crime;

Further recognizing that hundreds of millions of firearms are legitimately possessed by civilians;

Acknowledging that different cultures and member states vary greatly in how they approach the issue of firearms;

Being aware that the issue of firearms is extremely sensitive politically and in some member states involves fundamental questions of the relationship between the citizen and the state itself;

Calling attention to the fact that there is extreme interest, world-wide, in the work of the United Nations on firearms by individuals and groups active in hunting and sport shooting activities;

Being extremely concerned that in the two years in which the United Nations has been actively involved in the issue of firearms, there has been no public meeting, forum or gathering in which any of the thousands of groups involved in hunting and sport shooting activities have been able to officially express their opinions and concerns;

Further calling attention to the fact the "Report of the Secretary General - Measures to Regulate Firearms" (E/CN.15/1997/4), the "International Study on Firearms Regulation" summarized in the Report and the accompanying recommendations, have addressed issues of internal domestic firearms policies of the member states as opposed to international issues;

Therefore, the National Rifle Association of America - Institute for Legislative Action (NRA - ILA), the world's largest and most active group concerned with lawful firearms ownership, hunting, sport shooting activities and the prevention of crime, makes these observations and comments:

1. The "International Study on Firearms Regulation" is incomplete and inconclusive. Its conclusions are not supported and its recommendations are not warranted at this time. More specifically:

- The "Report of the Secretary General - Measures to Regulate Firearms" (E/CN.15/1997/4) itself notes that "the project team considered the study to be exploratory in nature..." (page 11 of the Report). In addition:

- The Report further states that, "it should not be assumed that the results of the research study were globally representative..." (page 12 of the report), and further,
- The document admits that, "existing sources of information including the international study on firearms regulation still could not be used to evaluate the comparative effectiveness of current levels of firearms regulation in reducing harm..." (page 26 of the Report).
- The study does not include data from the United States of America. More civilian owned firearms probably exist in the United States than any other jurisdiction. This situation has been constantly referred to and discussed by the parties involved with this process. An international study of firearms regulation which does not include the US is, with all due respect, incomplete.
- The study makes no reference to the immense amount of research which has been done prior to this time on topics which the study itself purports to address. Examples of this research include: Gary Kleck's *Point Blank: Guns and Violence in America* (NY: Aldine de Gruyter, 1991), a statistical analysis indicating a lack of relationship between gun availability and violent crime or between restrictive gun laws and on crime rates. See also, James D. Wright, Peter H. Rossi, and Kathleen Daly, *Under the Gun: Weapons, Crime, and Violence in America* (NY: Aldine, 1983). In David B. Kopel's, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* (Amherst, N.Y.: Prometheus Books, 1992) there is a non-statistical study finding it unproductive to attempt to attribute low crime rates in some countries and high rates in others, to gun laws. Others have noted an absence of sophisticated statistical efforts at international measurement relating gun laws to homicide. See Louise L. Shelley, ed., *Readings in Comparative Criminology* (Carbondale: Southern Illinois Univ. Press, 1981), p. 80. A leading American criminologist summarized why countries are safe or unsafe and found guns not to be a factor, despite an anti-gun

bias. Freda Adler, *Nations Not Obsessed with Crime* (Littleton, Colo.: F.B. Rothman, 1983).

- In addition, the report ignores studies indicating significant and effective use of civilian possessed firearms in the prevention of crime. This best of this research can be found in Gary Kleck and Marc Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun," *Journal of Criminal Law and Criminology* 86(1);150-187 (1995). The Kleck-Gertz data finds disproportionately that civilian possessed firearms are used to prevent crime by persons who are most apt to be victimized, and least apt to have adequate police protection.

2. The process which produced "Report of the Secretary General - Measures to Regulate Firearms" (E/CN.15/1997/4) is based upon unexamined and not necessarily correct assumptions:

- That firearms regulation, which has been and continues to be overwhelmingly a question of internal domestic policy of the member states, is within the mandate of the United Nations.

- That there is a simple causal relationship between the number of firearms in society and the amount of crime.

- That the number of civilian firearms in member states should be reduced as a matter of general policy.

- That the internal, domestic firearms regulations of one member state are the proper concern of another member state, not because of inadequate enforcement, but because the regulations are considered inadequate by the second state.

3. The conclusion of the Report, that the general existing system of firearms regulation, through member states' use of their domestic firearms regulations and import/export controls (page 7 of the Report) is not "sufficient," is radical in its implications vis-a-vis the relationship of the UN to member states. Because of this

conclusion, the Report, in essence, recommends United Nations involvement in the internal affairs of member states.

4. The Report and the recommendations are not sufficiently sensitive to local cultures where hunting is a respected and accepted activity. In the US alone there are twelve million deer hunters. Hunting is fundamental to many cultures and firearms are integral to that activity. However the Report makes only scant reference to this. Non-hunting societies should not seek to impose their values on hunting societies.

5. In the United States firearm regulation or, as it is more frequently called, "gun control," is one of the most decisive and hotly debated public issues. Firearms have played, and continue to play, an important role in American history and culture. If "gun control" alone did not furnish enough fuel for controversy, the United Nations itself furnishes more. As the Commission well knows, there are other UN efforts in the arena of international firearms regulation. This leads to an increasing feeling in some circles that there is a concerted UN effort to restrict firearms drastically. A situation which can be perceived as a UN effort promoting gun control at the national level should be avoided.

6. With further reference to the United States, the Second Amendment to the Constitution of the United States specifically recognizes the people's right to keep and bear arms. Any attempted interference with this right by any international organization or other national state would be looked upon gravely by the holders of that right.

7. The current orientation of these United Nations efforts regarding firearms regulation is dissipating energy and effort from more pressing and relevant problems, i.e., illegal arms smuggling as it relates to criminal activity and terrorism.

Consequently, NRA - ILA urges the Commission in reference to the future of this effort to:

I. Re-examine and re-evaluate the study's methodology, focus and direction to, at a minimum:

- a. Take into consideration prior, relevant research;
- b. Make sure that data from the United States is included;
- c. Examine the role civilian possession of firearms plays in the prevention of crime.

II. Ensure that adequate input is received from individuals and groups active in hunting and sport shooting activities.

III. Focus the Commission's endeavors, in this field, to research on and recommendations regarding topics having to do with international, rather than national aspects of the issues.